

Article 1: Public Emergency Procedures

Division 30 : Recovery of Incarceration Costs

(“Recovery of Incarceration Costs”

added 4-25-1994 by O-18061 N.S.)

§51.3001 Intent and Purpose

It is the intent and purpose of the City Council to adopt an ordinance making California Penal Code section 1203.1c operative in the City of San Diego in accordance with the requirements of that state statute.

(“Intent and Purpose” added 4-25-1994 by O-18061 N.S.)

§51.3002 City Manager Authorized to Collect

- (a) The City Manager is hereby authorized and empowered to collect the reasonable costs of incarceration allowed by California Penal Code section 1203.1c from any defendant convicted of any offense and ordered to serve a period of confinement in a City jail or San Diego Pre-arraignment Detention Facility.
- (b) The City shall charge an incarceration fee from criminal defendants for each day of incarceration.
- (c) Subject to approval by the City Council and the presiding judges of the Municipal and Superior Courts, the City Manager shall determine the incarceration fee per person and shall prepare a payment schedule for reimbursement of the costs of incarceration pursuant to California Penal Code section 1203.1c. The incarceration fee proposed by the City Manager shall be based upon the actual reasonable costs of incarceration and shall be calculated on the actual average daily cost of incarceration per person.
- (d) The City Manager shall review annually the daily incarceration fee to determine whether it reflects the actual cost of incarceration. The City Manager shall adjust the fee as required, subject to the approval of the City Council and the presiding judges of the Superior and Municipal Courts.

(“City Manager Authorized to Collect” added 4-25-1994 by O- 18061 N.S.)

§51.3003 Defendant Rights

Before an incarceration fee may be imposed, a defendant shall be accorded counsel, hearing and all other procedural rights provided in California Penal Code section 1203.1c.

(“Defendant Rights” added 4-25-1994 by O-18061 N.S.)